

Order

Michigan Supreme Court
Lansing, Michigan

November 3, 2006

Clifford W. Taylor,
Chief Justice

128768

Michael F. Cavanagh
Elizabeth A. Weaver
Marilyn Kelly
Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman,
Justices

TERI ROHDE, BRENDON QUILTER, MARY
QUILTER, WALTER MACKEY, BARBARA
MACKEY, GARY GIBSON, ELLEN GIBSON,
TED JUNGKUNTZ, LOISE JUNGKUNTZ,
DAVID SPONSELLER, MARY SPONSELLER,
MIKE GLADIEUX, MARTHA GLADIEUX,
HELEN RYSSE, TERRY TROMBLEY, JOHN
WILLIAMS, and THERESE WILLIAMS,
Plaintiffs-Appellants,

v

SC: 128768
COA: 253565
Washtenaw CC: 03-001046-CZ

ANN ARBOR PUBLIC SCHOOLS a/k/a PUBLIC
SCHOOLS OF THE CITY OF ANN ARBOR,
BOARD OF EDUCATION FOR ANN ARBOR
PUBLIC SCHOOLS, PRESIDENT OF THE
BOARD OF EDUCATION FOR ANN ARBOR
PUBLIC SCHOOLS, and TREASURER OF THE
BOARD OF EDUCATION FOR ANN ARBOR
PUBLIC SCHOOLS,
Defendants-Appellees,

and

ANN ARBOR EDUCATION ASSOCIATION,
MEA/NEA,
Intervening Defendant-Appellee.

On October 18, 2006, the Court heard oral argument on the application for leave to appeal the April 14, 2005 judgment of the Court of Appeals. On order of the Court, the application is again considered, and it is GRANTED. The parties shall include among the issues to be briefed: (1) whether plaintiffs satisfied the demand requirement of MCL 129.61; (2) whether that statute purports to provide standing to individual taxpayers; and (3) whether standing in this case is controlled by *Nat'l Wildlife Federation v Cleveland Cliffs Iron Co*, 471 Mich 608 (2004), or whether this case is distinguishable from the

principles announced in *Nat'l Wildlife*. See, e.g., *Vermont Agency of National Resources v United States*, 529 US 765; 120 S Ct 1858; 146 L Ed 2d 836 (2000). Appellants' brief and appendix must be filed no later than December 6, 2006. Appellees' brief and appendix, if appellees choose to file an appendix, must be filed no later than January 3, 2007. Briefs and appendixes are to be served on opposing counsel by hand delivery or by such other means as assures delivery not later than one day after the filing date. We direct the Clerk of the Court to place this case on the January 2007 session calendar for argument and submission.

Persons or groups interested in the determination of the issues set forth above may move the Court for permission to file briefs amicus curiae.

WEAVER, J., states as follows:

The grant order raises questions regarding *Nat'l Wildlife Federation v Cleveland Cliffs Iron Co*, 471 Mich 608 (2004). Therefore, I would ask the parties to address whether *Nat'l Wildlife* was correctly decided, as I have similarly asked the parties in *Michigan Citizens for Water Conservation v Nestlé*, 477 Mich ____ (2006) (Docket Nos. 130802-130803), to do in my October 20, 2006, statement in that case.

KELLY, J., joins the statement of WEAVER, J.



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I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

November 3, 2006

Corbin R. Davis

Clerk